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Media Use and its Impacts on Crime Perception, Sentencing Attitudes and Crime Policy

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ABSTRACT

The German statistics of police-recorded crime show a decline in total offences over the 10 years up to 2003. In contrast to that trend, survey-based evidence shows that the German public believes or assumes, on balance, that crime has increased. Moreover, the proportion of people who are in favour of tougher sentencing has increased, and multivariate analyses show that the belief that crime is rising is the factor most strongly associated with a preference for stiffer penalties. Further analysis of survey data shows that the pattern of television viewing is associated with the belief that crime is rising. This pattern of results suggests that television broadcasts that include fictional or factual treatment of crime stimulate this biased perception of reality. The article discusses the significance of these findings for national and international developments in crime policy.

KEY WORDS

Crime Policy / Media / Public Perceptions of Crime.

Media use and its impacts on crime perception, sentencing attitudes and crime policy

In democratic societies, crime policy and its management by parliaments and ministries largely depends on trends in crime. If, over a prolonged period, the media report strong upward trends in the number of crimes committed and if the public debate on crime focuses on spectacular, serious crimes, policy makers come under heavy pressure to increase statutory punishments and tighten the rules of procedure for criminal prosecutions.¹ The courts in turn feel duty bound to hand out tougher sentences² – passed in the name of the people, their judgements are meant to reflect public opinion.³ The question thus arises as to whether long periods of either dwindling or stable crime figures allow policy makers and the courts to soften punishments for specific offences and to place, for example, the notion of offender-victim compensation and offender resocialization at the forefront.

There is thus every reason to raise awareness of the relationship between the media and perceptions of crime. The German Police Crime Statistics for the last 10 years have indicated a strong downward trend in the number of crimes that people perceive as very threatening or generally worrying. There has been a 45 percent reduction both in the number of break-ins in private homes and in bank robberies. In the past 10 years, the number of murders has dropped by around 41 percent. Car thefts are down by as much as 70 percent. While other offences like fraud have increased, there has been a slight overall reduction in the number of crimes recorded since 1993.⁴ In the light of our ageing society, this hardly comes as a surprise. In the past decade, the 18 to 30 age group – a group which in 1993, for example, made up almost half of all crime suspects – has shrunk

¹ A topical example in Germany is the debate about increasing juvenile violence and the proposals adopted by a majority in the *Bundesrat* (upper house of parliament) to toughen the criminal law response to crimes by 14 to 21-year-old offenders; see *Bundesrats-Drucksache 15/1472* (*Bundesrat* bill based on motion 2138/04 brought by the states of Saxony, Bavaria, Hessen, Lower Saxony and Thuringia).

² From a recent example in *Hannoversche Allgemeine Zeitung* 26 May 2004, 4.

³ See the interview given on this question by Professor Winfried Hassemer, Vice President of the German Federal Constitutional Court, in *Zeitschrift für Rechtspolitik* (2004: 93–4). He stressed that one purpose of sentencing is to ‘accommodate popular sentencing demands’ and, further, that ‘the state does well to heed’ such demands. He qualified this sweeping statement later on, however: ‘Judges should not mirror public opinion, of course, but they must be mindful of it’. Dreher (1967: 42 ff.) justified such a stance as follows: ‘Judges, bound up in the spirit of the times, are meant to prevent mob rule and lynch justice by channelling and taming public sentencing demands’; see also Streng (2002: 14).

⁴ See German Federal Criminal Police Office (*Bundeskriminalamt*), Police Crime Statistics 2004.

from 9.4 to 7 percent of the population. Conversely, there has been a strong increase (from 20.4 to 24.4 percent) in the number of people aged 60 and over, a group that accounts for less than 3 percent of all violent crime suspects. Germany's ageing society is evidently good for domestic security.

Another significant preventive effect is the stabilization in migration since 1993. This is largely a result of the asylum compromise reached in 1992, the end of the civil war in former Yugoslavia and the phased reduction in repatriation of ethnic Germans from the former Soviet Union.⁵ Accordingly, the number of foreigners involved in crimes investigated by the police during the period 1993 to 2003 dropped from 26.7 to 19.0 percent.⁶ Another aspect to be considered is the marked rise in the likelihood of a crime being detected. The police success rate in solving most types of crime has increased significantly over the past decade, from 43.8 to 53.1 percent overall. This can also be seen as a causal factor in the reduction in crime.⁷

Positive trends of the type indicated for the last 10 years can, of course, only influence crime policy if they shape the public debate on crime and are made known to a broad majority of the population. But this is not always the case. Whether or not crime is increasing or declining is not usually something most people are aware of. Unlike the rise and fall of fuel prices that we can all observe at local filling stations, crime is a social phenomenon that often happens out of public view. Even when crime occurs in public, say graffiti spraying on the walls of buildings, drug dealing in open spaces, and mass hooliganism among drunken football fans, even those who regularly observe such events can at best estimate their frequency based on the world they see. The limited geographical scope of their personal experience does not allow them to make a reliable assessment of trends in the occurrence and the gravity of such offences. This is certainly the case as regards serious crimes that occur less frequently. In assessing the situation, members of the general public must rely entirely on what is reported by the mass media. The question arises, therefore, as to how people perceive current trends in crime and what role the media play in influencing their judgement.

⁵ See Pfeiffer et al. (2004: 24 ff.).

⁶ Crimes under Section 92 of the Aliens Act (*AuslG*) or under the Asylum Procedures Act (*AsylVfG*) are not included in these percentages because they are almost all committed by non-Germans.

⁷ Considering the amount of PR about it from the German Interior Ministry and police, it is safe to assume that many potential offenders will be aware of the increased success rate. The success rate thus becomes a considerable deterrent; see Pfeiffer (1990: 88 ff.) for a discussion with numerous references to empirical studies on this point in the USA and European countries.

Public perceptions of crime trends

At the beginning of January 2004, the Criminological Research Institute of Lower Saxony (KFN) commissioned social scientists from TNS Infratest to conduct a representative survey of 2000 people in Germany on perceptions of crime trends. Respondents were first shown the 1993 Police Crime Statistics. They were then asked how many crimes they thought had been committed in 2003 overall and what their general views were regarding trends in specific crimes. Additionally, respondents were asked if they felt personally threatened by crime and what measures they took to protect themselves. The survey also looked at where people received their information on crime and how they thought crime should be punished.

The first two columns of Table 1 below illustrate trends in the number of recorded crimes by comparing the statistics for selected offences and offence groups for 1993 and 2003. The third column shows the percentage change in the actual numbers of offences recorded between 1993 and 2003. The fourth column shows the mean of the estimates given by survey respondents for 2003. The fifth column shows the percentage change between 1993 and 2003 according to survey respondents. The sixth column shows the estimates given by respondents as a ratio of the actual

Table 1 Crime trends 1993–2003 (selected crimes) according to German Police Crime Statistics and respondents' estimates

<i>Crime</i>	1) PCS 1993	2) PCS 2003	3) $\Delta\%$	4) 2003 (mean estimate)	5) $\Delta\%$ (mean estimate)	6) 2003 Estimate/ actual
All crimes total ^a	6,750,613	6,572,135	-2.6	7,962,506	+18	1.21
Fraud ^b	419,834	700,013	+66.7	622,026	+48	0.89
Bodily harm	295,005	467,944	+58.6	451,660	+51	0.97
Domestic burglary	227,090	123,280	-45.7	316,049	+39	2.56
Motor vehicle theft	214,836	63,240	-70.5	316,070	+47	5.00
Handbag theft	7 916	5 986	-24.3	9 495	+20	1.59
Murder	666	394	-40.8	842	+27	2.14
Sexual murder	32	20	-37.5	115	+260	5.75

Notes:

^a Excluding road traffic offences; stimulus: 5,800,000.

^b Excluding fare-dodging.

2003 figures. In calculating the mean of the estimates given by survey respondents, we have omitted the top and bottom one percent of the statistical distribution of responses to eliminate distortions due to a small number of extreme results.⁸

The table shows that people think there has been a sharp increase across the board (see column 5). The only crimes for which their estimates come anywhere near the police statistics are fraud and bodily harm (see column 6). For these two they are in fact slightly short of the actual increase. With all other crimes, the table shows respondents' estimates to be wide and in some cases extremely wide of the mark. For example, respondents put the number of domestic burglaries at two-and-a-half times the figure recorded in 2003. Looking at column 6 of the table, they estimated that there had been twice as many murders, five times as many motor vehicle thefts and nearly six times as many sexual murders as were actually recorded.⁹ Their 1.21 times overestimate for the all crimes total was relatively moderate in comparison. However, this was partly due to a typing error as a result of which respondents were told the 1993 figure had been 5.8 instead of 6.8 million. Based on the figure they actually had before them, respondents estimated the 10-year increase in all recorded crimes to have been 37 percent and not 18 percent as shown in column 5.

In recognition of the fact that many people find it hard to give a numeric estimate, we additionally let respondents rank their assessment of crime trends verbally on a predefined ordinal scale. We also added four more offences and one more group of offences to the questionnaire: bank robbery, murder and robbery, sexual abuse of children, and the total for all crimes involving theft.

The right-hand portion of Table 2 (over) shows the percentage distributions of perceived changes in crime frequency on a seven-point ordinal scale. The distributions are heavily skewed to the right; that is, a large majority of respondents assumed that there had been large or very large increases in crime rates. Of the added crimes, answers were mostly accurate only for drug dealing. Only two percent of the population rightly responded that there had been a marked decrease in bank robberies over the last decade, and only one percent guessed the downward trend in theft indicated by the police statistics. Overall, fewer than 10 percent of respondents correctly identified the trend in the seven selected examples of sinking crime rates.

⁸ For an earlier article by Pfeiffer published in *Frankfurter Allgemeine Zeitung*, we used the overall mean values; it was only upon checking the extremes at a later date that we discovered these resulted in exaggerated values for the means (Pfeiffer 2004).

⁹ See Reuband (1998: 144).

Table 2 Respondents' assessment of trends in selected crimes for the period 1993–2003, as percentages of all respondents

<i>Crime</i>	<i>Recorded crimes</i>			<i>Respondents' answers</i>							<i>N</i>
	<i>PCS 1993</i>	<i>PCS 2003</i>	<i>Δ%</i>	<i>Very large increase</i>	<i>Large increase</i>	<i>Slight increase</i>	<i>No change</i>	<i>Slight decrease</i>	<i>Large decrease</i>	<i>Very large decrease</i>	
Total crimes	6,750,613	6,572,135	-2.6%	27%	39%	25%	7%	2%	0%	0%	1977
Fraud	419,834	700,013	+66.7%	30%	38%	21%	10%	1%	0%	0%	1980
Bodily harm	295,005	467,944	+58.6%	26%	36%	25%	11%	2%	0%	0%	1988
Domestic burglary	227,090	123,280	-45.7%	18%	35%	27%	16%	4%	0%	0%	1989
Motor vehicle theft	214,836	63,240	-70.5%	25%	34%	21%	11%	7%	2%	0%	1982
Handbag theft	7 916	5 986	-24.3%	22%	30%	24%	21%	3%	0%	0%	1985
Murder	666	394	-40.8%	16%	24%	27%	28%	5%	1%	0%	1874
Sexual murder	32	20	-37.5%	19%	26%	28%	23%	4%	1%	0%	1988
Total theft	4,151,087	3,029,390	-27.0%	29%	37%	22%	8%	1%	0%	0%	1980
Bank robbery	1624	903	-44.4%	13%	22%	25%	29%	10%	2%	0%	1983
Drug dealing	37,212	68,701	+84.6%	37%	31%	18%	11%	3%	0%	0%	1977
Murder and robbery	140	74	-47.1%	12%	25%	27%	29%	7%	1%	0%	1977
Sexual abuse of children	15,430	15,430	0%	40%	31%	18%	10%	1%	0%	0%	1844

From another representative survey of 1500 respondents conducted by KFN with the help of TNS Infratest in early 2004, it is clear that the lion's share of the blame for the imagined crime increase is apportioned to foreigners. On average, people estimate that the percentage of foreigners among police-registered suspects has increased from 26.7 percent to 36.5 percent over the last 10 years.¹⁰ In fact, as mentioned earlier, the figure has actually fallen to 19.0 percent.

In Table 3 we return to the estimated figures presented in Table 1, broken down this time by membership of selected groups. The first thing we notice is that women perceived stronger increases in crime than men, and especially so with regard to sexual murder. This matches empirical evidence of a link between vulnerability and fear of crime (Reuband 1992: 349). The larger increases in crime perceived by younger as compared with older people can be interpreted along similar lines: younger people are indeed far more likely to be affected by such crimes.¹¹ The data do not show any other uniform trend by age category or between east and west. It is interesting that respondents in the lower education and higher television watching categories thought there had been a stronger increase in crime across the board than better educated people and those watching less television.

Table 3 Mean estimate of percentage change in the frequency of selected crimes over the period 1993–2003

	Sex		Region		Education ^{a)}		Hours TV per week (mean: 22h)		Age	
	Female	Male	East	West	High	Low	Low	High	≤ 45	> 45
All crimes	39.9	34.2	45.7	35.0	32.5	39.5	31.1	43.9	38.0	36.5
Bodily harm	55.3	45.0	52.0	50.1	38.2	56.3	46.9	54.7	57.4	43.5
Sexual murder	317.4	195.9	249.9	263.1	179.1	299.0	205.0	316.1	278.5	242.2
Domestic burglary	44.1	33.7	30.4	41.6	31.0	43.2	38.6	40.1	35.3	43.1

Note:

^{a)} High: *Abitur* (upper secondary school leaving qualification) and above.

¹⁰ See Pfeiffer et al. (2004: 6 ff.).

¹¹ See Erster Periodischer Sicherheitsbericht der Bundesregierung (2001: 53)

The discrepancy between crime trends as people imagine them and the actual police figures brings up two questions. How come a large majority of people guess so wide of the mark? And how does this influence attitudes towards sentencing and actual policies on crime and criminal justice?

Crime in the media

Studies from the USA and Canada whose starting point is the observation that people think crime to have risen despite falling crime rates in reality (Roberts 1992: 116–17; Roberts and Stalans 1998) tend to link this misconception with mass media representations of crime. Morris (1997: 108 ff.) argued along very similar lines with reference to a media study. There was a slight decrease in the number of serious crimes in the USA over the period 1991 to 1995 inclusive. An analysis of the evening news broadcast by all major television stations, on the other hand, showed the number of televised reports of spectacular violent crimes to have increased fourfold.

As media research teaches us, the selection, presentation and even the construction of what is deemed newsworthy are subject to certain rules. News and other information about human society is marketed according to its 'news value' (Reuband 2000: 51). Crime is 'not just a staple of general news reporting, but . . . also a conscious choice of subject for the purpose of competing with other media' (Reuband 2000: 43). For the consumer, news is there to provide not only information but also excitement and entertainment (Schulze 1992). A factor in Germany might also be the nationwide spread since the mid-1980s of private television stations funded entirely by advertising. These are more dependent than public television on the kind of news, including crime news, that is capable of boosting the ratings.

To shed light on this question we conducted an analysis – in conjunction with the Department of Journalism and Communication Research at Hannover University of Music and Drama – of the television listings published in a German tabloid newspaper, *Bild*. The analysis covered the second week of October in 1985, 1995 and 2003. Table 4 shows how the relative shares of fiction and non-fiction programming featuring crime, investigation and prosecution changed over the three sampling periods.

The period 1985 to 1995 saw a marked increase in the crime broadcasts as a share of all programming. The increase from 3.5 to 15.4 percent is primarily due to the fact that from the time private television

Table 4 Crime-related programming as a proportion of all listed programming for selected television stations¹ and as a proportion of all programming

Station	ARD (n = 31 broadcasts) Share (%)	ZDF (n = 37 broadcasts) Share (%)	RTL (n = 44 broadcasts) Share (%)	SAT.1 (n = 50 broadcasts) Share (%)	PRO7 (n = 31 broadcasts) Share (%)	All programming (n = 309 broadcasts) Share (%)
1985	4.7	8.5	3.6	–	–	3.5
1995	11.3	8.5	13.1	11.4	32.9	15.4
2003	9.0	12.3	18.7	19.5	2.4	11.0

Note:

¹ The following German television stations were coded and included in the 'all programming' figure in addition to the stations shown: NDR, MDR, arte, 3Sat, RTL2, SuperRTL, Kabel, VOX, 9Live.

began in the mid-1980s, private stations initially focused on the broadcasting of American fiction programming (feature films and series). There was a slight overall reduction in crime programming over the period 1995 to 2003. This by no means reflects a uniform trend, however. The two private stations with the largest audience, RTL and Sat.1, and also one of the main public stations, ZDF, further increased their share of crime programming from 1995 to 2003. As the other major public station, ARD, only reduced its crime share slightly from 11.3 to 9.0 percent, the overall decrease in crime broadcasts as a share of all programming is primarily due to a reduction at the smaller (by market share) public and private television stations. Another trend revealed by the analysis is a shift in crime presentation from fiction (crime series and feature films) to non-fiction genres (court shows and 'docu-soaps' showing the police at work).¹² That is, genres that give the viewer the impression that they present a true-to-life picture of crime, crime investigation and prosecution.

An analysis of different scope and methodology conducted for ARD and ZDF since 1985¹³ reported the proportion of all programming featuring crime for five major German television stations – ARD, ZDF, RTL, Sat.1 and Pro7 – from 1997 onwards. Three trends emerged for the last few years: First, there was a steady tendency for crime to feature significantly

¹² The air time (in hours per day) for fictional programmes featuring crime changed as follows: 1985 = 11.8 h, 1995 = 149.2 h and 2003 = 100.7 h; for non-fiction programmes: 1985 = 3.6 h, 1995 = 8.5 h and 2003 = 58.3 h.

¹³ For an overview see Gerhard (1999: 340–4) and Krüger and Zapf-Schramm (2003).

more strongly on private than on public television (Krüger 1999: 322–39; Krüger 2000: 278–96). Secondly, a marked tabloid television divide emerged over the same period (Krüger 1996: 362–74; Krüger 2000: 278–96; Krüger and Zapf-Schramm 2001: 326–44). Private television stations were incorporating tabloid elements into the style and content of their reporting (content: more ‘human interest’ topics, plus reporting on spectacular crimes; style: emotion-ridden, dramatized and personalized reporting). In short, crime was dramatized as the force of evil.

These findings accord with those of MedienTenor, a Bonn media research centre that has been undertaking precise analyses of changes in news content for many years. The MedienTenor analyses have shown that private television stations tend to present crime in a dramatized setting. Also, private television stations accounted for no less than 70 percent of crime reporting in the context of news broadcasts (MedienTenor 11/2004: 33). The third trend described by the authors of the ARD-ZDF analysis was, on the other hand, a growing tendency for public television stations to match their reporting to that of private stations (Krüger and Zapf-Schramm 2003: 534–48).

As the above findings clearly show, the increasingly competitive television market since the mid-1980s has seen significantly more air time given over to crime in news and entertainment genres alike. There may have been a similar trend in newspapers, although no long-term studies have yet been done in this sector.¹⁴ The described trend is in line with findings from news value and news selection research, according to which, negative information in a news item is a key factor in its being preferred over other news items (Galtung and Ruge 1965). Then there is the growing amount of air time dedicated to entertainment genres that combine apparent realism with a strong element of suspense (such as court shows), where crime often provides a background for playing out interpersonal conflicts. This has further raised the profile of crime in the media. The question arises whether this shift of emphasis in the media is a cause of, or at least a factor in, the popular misconceptions about crime rates. We use a multiple regression model to obtain some preliminary answers.¹⁵

¹⁴ Two studies for 1988 (Derwein 1995) and 1996 (Scharf et al. 1999: 445–62) showed, however, that violent crime was highly over-represented in reporting on crime in the years in question.

¹⁵ To investigate the effect of media-use patterns on crime trend perceptions (step 1) and of crime trend perceptions on sentencing attitudes (step 2), ordinal logistic regressions are estimated in the empirical part of the study. In these regression models, the probability that dependent variable y falls within category m of the ordinal scale is found by subtracting the probability of exceeding the empirically estimated threshold τ_m from the probability of

The use of crime in the media and its consequences

In the 'media' part of the KFN study, the 2000 respondents were given a set of stimuli comprising a number of programmes, from various broadcasters, in the categories Shows, Series, Feature Films and News, with the remark that their subject matter included crime. Using a six-point scale, they were asked to give their subjective ranking of how often they watched the named programmes.¹⁶ The analysis of dimensions of media use was restricted to programmes that report on real-world affairs or at least claim proximity to the real world. Purely fictional genres like crime, horror and action films were excluded from the analysis, as were print media.

As can be seen from Table 5, it is possible to derive from the 10 items three dimensions or three scales of media use that are readily interpreted.¹⁷ Factor 1 measures consumption of private news broadcasts, together with

Table 5 Factor analysis of media use and factor weightings

<i>Factor 1</i>	<i>Wt.</i>	<i>Factor 2</i>	<i>Wt.</i>	<i>Factor 3</i>	<i>Wt.</i>
6:30 pm Sat.1 news	.86	Magazine programmes	.81	ZDF news programmes	.91
RTL Aktuell news	.80	Evening reportage	.79	ARD news programmes	.89
Pro 7 news	.77	Crime investigation	.58		
Tabloid magazines	.59				
Court shows	.58				

Source: KFN survey of crime and sentencing 2003; own calculations, $N=1903$.

attaining the next lower threshold τ_{m-1} , where the distance between the thresholds is permitted to vary. Formally, the model is of the form

$$\Pr(y_i = m \mid x_i) = \Lambda(\tau_m - x_i\beta) - \Lambda(\tau_{m-1} - x_i\beta), \text{ where } \Lambda(\varepsilon) = \frac{\exp(\varepsilon)}{1 + \exp(\varepsilon)}$$

is the logistic error distribution (Long 1997: 121), x a vector of explanatory variables and β a vector of regression coefficients. Unlike a multinomial logistic regression, however, the ordinal models are based on the assumption of proportional odds, which means the effects of the explanatory variables for threshold τ_m must be as close as possible to identical with the effects for threshold τ_{m+1} . A suitable test (Long 1997: 143) is used to ensure that this assumption is met.

¹⁶ The possible answers were '(almost) every day', 'several times a week', 'once a week', 'several times a month', 'once a month or less frequently' and 'never'.

¹⁷ Incorporating the use of print media in the analysis makes for a poorer factor solution overall. Only the reading of local newspapers would weight one factor together with the ARD and ZDF public service television news programmes, while reading the Bild newspaper and other tabloid magazines does not show a sufficient weighting on any factor. Because the recoding necessitated by including print media would also have meant a loss of information, only television programmes were incorporated in the analysis.

Table 6 Determinants of crime perception: ordinal logistic regressions, unstandardized coefficients

Dependent variable	Perceived change in frequency ^{a)} between 1992 and 2003 of:				
	Domestic burglary	Murder and robbery	Sexual murder	All crimes total	Bodily harm
τ_1	-2.73	-2.58	-3.86	-3.71	-3.77
τ_2	-0.77	-0.38	-1.54	-2.18	-1.79
τ_3	0.72	0.88	-0.21	-0.35	-0.22
τ_4	2.63	2.38	1.09	1.47	1.46
Realschule/POS year 10 ^{b)} (Yes 1, No 0) [lower secondary school]	-0.338** (2.91)	-0.414** (3.58)	-0.566** (4.91)	-0.238* (2.02)	-0.121 (1.01)
(Fach-)Abitur ^{b)} (Yes 1, No 0) [upper secondary school]	-0.389* (2.38)	-0.436** (2.72)	-0.580** (3.67)	-0.451** (2.81)	-0.392** (2.67)
(Fach-)Hochschule ^{b)} (Yes 1, No 0) [tertiary education]	-0.579** (3.18)	-0.731** (3.94)	-0.999** (5.43)	-0.872** (4.71)	-0.595** (3.81)
Child under 14 at home (Yes 1, No 0)	0.116 (1.09)	0.250* (2.34)	0.026 (0.24)	0.032 (0.29)	0.190 (1.74)
Age	0.024** (6.68)	0.006 (1.72)	-0.009* (2.42)	0.009* (2.39)	0.002 (0.44)
Female (Yes 1, No 0)	0.109 (1.07)	0.210* (2.07)	0.158 (1.57)	0.180 (1.77)	0.221* (2.13)
East Germany (Yes 1, No 0)	-0.567** (4.81)	-0.062 (0.53)	-0.007 (0.06)	0.018 (0.15)	-0.039 (0.33)
Hours of television per week	-0.001 (0.19)	0.003 (0.77)	0.011** (2.75)	0.005 (1.35)	0.011** (2.68)
Private television	0.252** (4.73)	0.261** (4.98)	0.087 (1.67)	0.257** (4.74)	0.251** (4.66)
Reportage	0.096* (2.01)	0.094* (1.98)	0.056 (1.20)	0.060 (1.25)	0.055 (1.11)
Public broadcasting service	0.135** (2.65)	0.082 (1.60)	0.059 (1.16)	-0.038 (0.75)	-0.063 (1.19)
Fear of crime: Precautions taken	0.236** (4.40)	0.288** (5.35)	0.301** (5.59)	0.263** (4.88)	0.237** (4.39)
N	1572	1570	1577	1571	1592
LR Chi-sq (df=12)	266.02	183.99	148.78	167.96	166.29

Notes:

Absolute z values in brackets.

^{a)} 'I think there has been . . .'

1 = a slight/large/very large decrease, 2 = no change, 3 = a slight increase, 4 = a large increase, 5 = a very large increase

^{b)} . . . in such crimes over the last 10 years'.^{b)} Reference category: No school leaving certificate, *Hauptschulabschluss/Volksschulabschluss*/POS year 8/9 (lower secondary education).

* Significant at 5%; ** Significant at 1%.

Source: KFN survey of crime and sentencing 2004; own calculations.

tabloid magazines and court shows, which are mainly broadcast by private television. This dimension is accordingly named *Private Television*. The second factor is referred to as *Reportage*, the third as *Public Broadcasting Service*.

The originally seven-point criminal perception items (see Table 2) had to be reduced to a five-point scale by merging the little-used 'Slight Decrease', 'Large Decrease' and 'Very Large Decrease' categories.

As Table 6 shows, the multiple ordinal logistic regression model tends to corroborate the descriptive findings presented in Section 2. The probability of a respondent assuming that crime rates have risen declines with increasing education. At least in respect of murder-and-robbery and bodily harm, this probability is significantly higher in women than in men. With regard to age and East-West differences, the effects are not uniform, and the pattern is similar to that shown by the descriptive analysis in Table 3. The likelihood of a respondent thinking there has been an increase in all types of crime also rises with fear of crime as measured on the subdimension of precautionary measures.

Table 6 also shows that the choice of programming makes a difference. Viewing of each of the three clusters of media is significantly related to the perceived change in the frequency of domestic burglary (more viewing related to more perception of an increase), with viewing of private television exerting by far the strongest effect. Apart from sexual murders, whose perceived frequency change is related to the amount of television (in hours) watched each week but not to the choice of programming, there is a positive relationship, significant at the 99 percent level of confidence, between media use corresponding to the 'private television' viewing pattern and the perceived change in frequency of each individual type of crime.

The coefficients in Table 6 can only be interpreted as to sign and significance, however, as they represent change in the log-odds [$\ln(P/(1-P))$] of the threshold to the next category being exceeded. A more useful result can be obtained by converting the change associated with the 'private television' variable to probabilities of belonging to the categories used for the dependent variables. As an example, we will consider middle-aged men (aged 46) with average general education, average weekly television viewing time (24 hours) and average values for the 'reportage' and 'public service' media use patterns. Figures 1 and 2 (over) show the probabilities for the 10 percent of this group who view the least and the 10 percent who view the most private television.¹⁸

¹⁸ Strictly speaking, the 'private television' and 'hours of television per week' ought to be varied simultaneously in the forecast to make the differences even more pronounced.

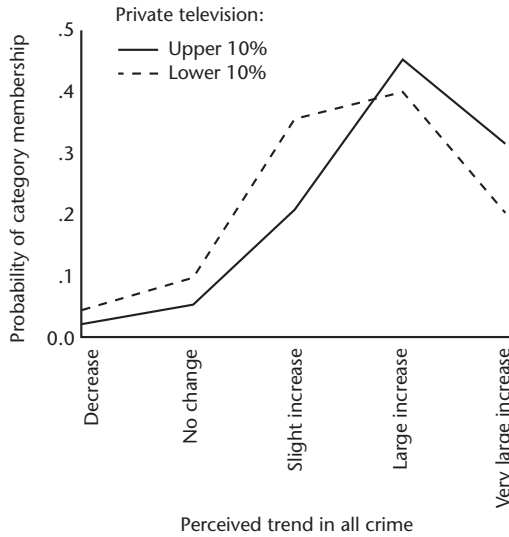


Figure 1 Effect of private television viewing on perceived crime trends: *All crime*

The two figures show the effect on the perceived change in the crime rate for all crimes and in the crime rate for murder-and-robbery offences. The 10 percent who view the *least* private television have a 15 percent probability of thinking there has been a very large increase in all types of crime (Fig. 1). For the 10 percent who view the *most* private television, this

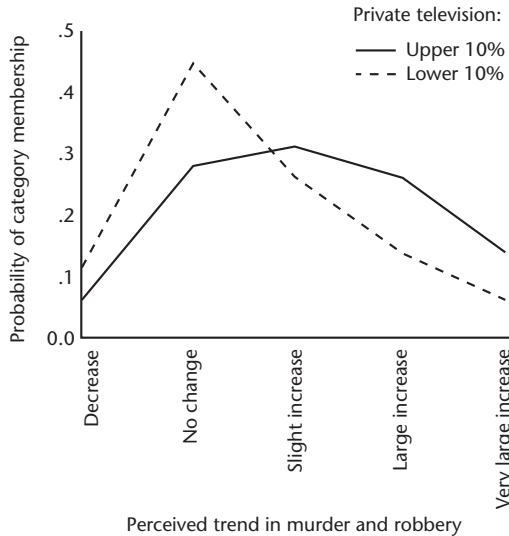


Figure 2 Effect of private television viewing on perceived crime trends: *Murder and robbery*

probability is no less than 30 percent – twice the figure for the former group. Similarly with murder and robbery, where the probabilities are 5 and 12 percent for the bottom and top 10 percent of television users respectively.

Crime perception and sentencing attitudes

The strong influence of private television on perceived crime trends leads us to enquire whether the same distorted public perceptions are behind harsher sentencing attitudes. This avenue of enquiry is supported by the findings of two representative surveys done by KFN in 1992 and 2004 that again touched upon sentencing attitudes. Comparison of the data shows a marked increase in the proportion of respondents calling for tougher sentences. To give an example: The mean approval ranking for the statement ‘Harsh sentences are needed in order to deter others from committing crimes’ was 4.25 on a six-point scale in the 1992 sample and 4.83 in the 2004 sample.¹⁹ Streng’s continuous study of punitive attitudes and preferences as to the purpose of sentencing among first-year law students produced very similar findings. Apparently, the period 1989 to 1999 saw a marked change in the attitudes of lawyers-to-be. They were decreasingly likely to consider offender resocialization as the purpose of sentencing, and increasingly likely to prefer harsh punishments and a toughening of criminal law (Streng 2000: 422 ff.).

Streng, too, explained the increasing rigidity of prospective lawyers with the dramatization of crime in the media and in politics. But he rightly highlighted another factor for debate. The relatively stable 1980s were followed in Germany by a decade of growing poverty and unemployment, a surge in immigration that many found threatening, the unification of Germany with the vast problems that it produced, and now the acts of terror perpetrated by Al Qaeda. Possibly, many people are unsettled by these changes and wish for a strong state able to take a hard line on law and order.

To investigate these ideas, we made respondents’ sentencing attitudes the dependent variable in the next phase of our analysis, with subjectively perceived crime trends among the explanatory variables. Table 7 (over) shows the estimated factors affecting indicators of sentencing attitudes, i.e.

¹⁹ Ranging from 1 for ‘not true at all’ to 6 for ‘very true’. Strictly speaking this is an ordinal scaled variable. The Mann/Whitney U-test that is appropriate for this scale level gives a highly significant z value of 13.57 for the difference. Based on three items for sentencing attitude contained in both the 1992 and the 2003 survey it is possible to form a 16-rank total index to accommodate the construct of sentencing attitude. The higher the index, the more punitive the attitude. Once again, both the means and the middle ranks of the index differ very significantly (10.33 for 1992 versus 11.83 for 2003).

Table 7 Determinants of sentencing attitudes: ordinal logistic regressions, unstandardized coefficients

<i>Dependent variable</i>	<i>Sentencing attitudes^{a)} by type of crime:</i>			
	<i>Thefts/ break-ins</i>	<i>All crimes total</i>	<i>Rape/sexual assault</i>	<i>Bodily injury</i>
τ_1	0.56	-1.85	-3.74	-0.64
τ_2	1.58	-0.13	-2.74	0.95
τ_3	2.52	1.26	-1.42	2.20
Realschule/POS year 10 ^{b)} (Yes 1, No 0) [lower secondary school]	-0.151 (1.27)	-0.362** (3.05)	-0.238 (1.53)	-0.026 (0.23)
(Fach-)Abitur ^{b)} (Yes 1, No 0) [upper secondary school]	-0.104 (0.63)	-0.495** (3.11)	-0.520** (2.62)	-0.118 (0.76)
(Fach-)Hochschule ^{b)} (Yes 1, No 0) [tertiary education]	-0.052 (0.29)	-1.096** (6.08)	-1.029** (4.99)	-0.048 (0.27)
Child under 14 at home (Yes 1, No 0)	-0.083 (0.76)	0.221* (2.04)	-0.064 (0.45)	0.081 (0.77)
Age	0.017** (5.08)	0.011** (3.42)	-0.008 (1.83)	0.020** (6.20)
Female (Yes 1, No 0)	-0.549** (5.26)	-0.227* (2.18)	-0.236 (1.75)	-0.231* (2.29)
East Germany (Yes 1, No 0)	0.181 (1.60)	0.437** (3.80)	0.437** (2.80)	0.062 (0.55)
Fear of crime: Precautions taken	0.273** (4.89)	0.329** (5.94)	0.337** (4.64)	0.382** (7.04)
Perception of crime trend ^{c)} : 'large/very large increase' (Yes 1, No 0)	0.825** (8.14)	0.861** (8.30)	1.099** (8.13)	0.611** (6.35)
Observations	1597	1600	1603	1605
LR Chi-sq (<i>df</i> = 9)	219.12	254.04	160.48	195.86

Notes:

Absolute z values in brackets.

^{a)} 'I think the sentences handed down for . . . are generally . . .'

1 = far too harsh to appropriate; 2 = somewhat lax; 3 = lax; 4 = far too lax.

^{b)} *Reference category*: No school leaving certificate, *Hauptschulabschluss/Volksschulabschluss*/POS year 8/9 (lower secondary education).

The proportionality assumption is not met for the independent variable 'perception of crime trend' in the 'thefts/break-ins' model. However, a binary logistic regression (DV: lax/far too lax = 1, otherwise 0) produces almost identical results.

^{c)} With the DV 'sexual assault/rape' the IV is the perceived frequency of sexual murder.

* Significant at 5%; ** Significant at 1%.

Source: KFN survey of crime and sentencing 2003; own calculations.

affecting stated opinions regarding the appropriateness of the sentences generally handed down for each type of crime.

The strongest factor affecting sentencing attitudes overall proves to be the perceived trend in each crime. This predictor was incorporated in the model as a dummy variable, where 1 corresponds to 'very large increase' or 'large increase' and 0 corresponds to all other categories. For example, assuming there to have been a large or very large increase in all crimes over the last 10 years raises the odds of the sentencing attitudes shifting to the next higher category by 136 percent $[(\exp(0.861)-1)*100]$. This is better illustrated by looking at the effect on the probability of each category. Taking men in former East Germany with lower secondary education and an average age of 46, one child under 14 living in the household and average fear of crime: of this group, those who think there has been a strong or very strong increase in crime are 60 percent likely to consider sentencing to be too lax. For those who think crime has risen only moderately or not at all, this probability falls to 39 percent.

Because these empirical findings were not obtained by the ideal method of direct experiment, analysis of the causal relations between the various constructs requires further research. For example, it would be necessary to investigate in greater detail the factors that influence preferences for different types of television programming. It may be assumed that other unobserved personality traits are linked with viewing frequency for each genre and that these traits are not fully subsumed under fear of crime. They may themselves correlate with subjective perceptions of crime trends and with punitive attitudes. All the same, the findings must be taken as a clear indication that media reporting has influenced the widespread mistaken perception that crime is rising, and that these perceptions of rising crime are closely associated with preferences for stiffer sentences. This suggests that media reporting has had an important influence on preferences for harsher sentences.

Changes in crime policy, investigation and prosecution since 1990

These findings raise the question of how popular calls for tougher sentencing have affected crime policy. Schott and colleagues recently surveyed criminal law enacted over the last two decades (Schott et al. 2004). They found that the last example of a substantial reduction in criminal law penalties was in 1990, when the *Bundestag* enacted a Juvenile Courts Act (*Jugendgerichtsgesetz*) increasing the scope for alternatives to incarceration, abolishing open-ended sentences and restricting the use of remand for

juvenile offenders. After that – apart from certain minor adjustments – the five reform acts passed since 1992 brought nothing but tougher penalties. In total, the legislature has significantly raised the penalties for some 40 offences over the last 12 years.

Comparing the genesis of these five pieces of criminal law legislation with criminal law reforms adopted during the three decades that preceded them reveals a key difference: As Maelicke (1999) and Albrecht (2004) have emphasized, there is now less of a tendency to consult academics.²⁰ Albrecht (2004: 491 ff.), in his discerning analysis of the links between crime policy and public opinion, rightly highlights a change in the underlying focus of crime policy, which ‘has become more responsive to feelings of uncertainty and is being co-opted as a way of establishing a sense of security’ (2004: 496; see also Sack 2003: 3 ff.). Formerly, policy makers’ efforts centred on the quest for a rationale that could be communicated; they were required to supply verifiable arguments and provide empirical support for their proposals based upon extensive practical experience and clear research findings. Today, however, there is less demand for academically well-founded knowledge on crime trends, offenders and the effects of prosecution strategies. Increasingly, expert reports are being replaced by opinion polls designed to test the water and see what goes down best with the public. And politicians increasingly tend to spout populist demands, presenting themselves as warriors in the fight against evil.²¹ David Garland has come to similar conclusions in his in-depth study of crime policy trends in the UK and the USA (2001).²²

Given the significant hardening of sentencing attitudes among the German population and the changes in crime policy described above, it comes as no surprise that German courts are handing down harsher

²⁰ The official preamble to the first criminal law reform act of 1969 (*Bundestags-Drucksache V/4094*), for example, still draws upon crime policy ideas culled from practical experience in law enforcement, and consequently argues along the lines of treatment and desired treatment outcomes. According to Maelicke (1999: 73) there was thus broad consensus in the 1970s between academics, enforcement practitioners and policymakers. Since the early 1990s, however, there has been a power shift within the crime policy arena: ‘Policymakers are increasingly reluctant to seek advice from industry with its preference for restraint and caution. They are driven by the media . . . constrained by the tightening of laws and by the room for manoeuvre available to the courts, and bring their influence to bear on practitioners with the aim of bringing about a shift in priorities: Safety is gaining in importance and maybe even priority relative to treatment and reintegration’ (1999: 74).

²¹ Chancellor Schröder provided a typical example in a 2001 interview for *Bild am Sonntag*, with his suggestion of what do with sex offenders: ‘Lock them away – for good!’ (*Bild am Sonntag*, 8/7/2001).

²² Garland reported a similar loss in influence as regards practitioners and researchers in the UK and the USA, and that crime policy initiatives there are increasingly driven by public opinion and by calls for tougher statutory penalties from the mass media in response to spectacular individual crimes (2001: 13, 151 ff.).

sentences. We will use the example of actual and grievous bodily harm to illustrate this trend. According to the sentencing statistics, the share of tried suspects given an unsuspended prison or juvenile detention sentence for such crimes rose from 5.7 to 6.9 percent over the period 1990 to 2002. The average sentence also grew by almost a third, from 1.10 to 1.45 years.²³ Both taken together boosted the total sentence handed down by the courts from 6.2 to 10 years per 100 tried suspects between 1990 and 2002 – an increase of about three-fifths.

The change in sentencing would be understandable if the average severity of such offences had increased over the period. In fact, the opposite appears to be true. This is the conclusion of two case analyses on juvenile sentencing performed at the Criminological Research Institute of Lower Saxony (Delzer 2004; Schott et al. 2004). Comparisons of sentencing by selected courts for 1990 and 1996 and in two German *Länder* for 1991 and 1997 show a marked decline in the number of such crimes resulting in hospitalization of the victim. Conversely, there was an increase in the percentage of cases where the victim did not obtain any medical assistance. At least here, then, the average severity of offences has tended to decrease.²⁴

Based on these data, we worked out the total number of prison years that would have been imposed had court sentencing practices remained at their 1990 level of 6.2 years per 100 suspects tried for actual or grievous bodily harm. The comparison shows that, as a result of the change in sentencing over the 12-year period, 7945 more years' prison were handed down than would have been under 1990 conditions. This has major implications for West German prison budgets. Taking €80 as the daily cost of accommodating an offender in prison,²⁵ the additional cost over the 12 years was €232 million.

²³ Where the sentencing statistics present sentence durations in class intervals, we arrived at the averages by adding 0.33 times the interval to the lower value for each class. Sentences from two to under three years, for example, were assumed to average 2.33. The factor of 0.33 is based on an analysis of cases from 1991 to 1997; see Schott et al. (2004). It is conceivable that there has been an increase here in line with the generally observed trend in sentencing. In the absence of new data, however, we opted to keep the assumption that the average corresponded to the lower one-third point for the entire study period rather than changing to the mid-point.

²⁴ These findings cannot be reliably applied to the whole of Germany. They do, however, demonstrate that the widespread assumption of an increase in the brutality as well as the frequency of crimes involving bodily harm should be met with caution. In view of the fact that penalties for actual and grievous bodily harm were increased in 1998, it appears more likely that the observed rise in the number of years' prison per 100 tried suspects is a result of tougher sentencing.

²⁵ This is the average value for the last 10 years based on calculations for the state of Lower Saxony.

We also investigated the change in the number of years' prison per 100 suspects tried for all types of crime. There was a rise of about 40 percent – from 5.2 years in 1990 to 7.3 in 2002.²⁶ This accords with data from the *Länder* penal statistics. In former West Germany, prisoner numbers swelled from 37,468 to 51,881 between 1991 and 2003 – an increase of 38.5 percent – yet the number of tried suspects had increased by only 1.7 percent between 1990 and 2002.²⁷ Again assuming a cost of €80 per day, the states comprising former West Germany had to find some €421 million more to finance their penal systems in 2003 alone than they did only 12 years earlier. Add to this the fact that a nationwide construction programme begun in 2000 will create 12,000 new cells at a cost, according to research by Suhling and Schott (2001: 27), of some €1.4 billion.

Even if the available data do not allow us to show the precise extent to which this added expense is due to harder penalties imposed by legislation, it is still clear that, influenced by media dramatization of crime, the need for cost-benefit analysis has taken a back seat in crime policy over the last twelve years. Politicians have largely met calls for tougher sentencing in order to calm the waters rather than objectively asking what benefit to society there was to be had from the sharp rise in costs.

There is one further aspect that we have not yet mentioned and would like briefly to touch upon here. In a study on behalf of the German Government's Immigration Council we investigated who took the main brunt of the described trend in crime policy and sentencing. This was occasioned by the following data: From 1993 to 2002, the number of foreign citizens charged in former West Germany declined by 20.6 percent.²⁸ This figure stands in blatant contrast with the fact that the number of foreign prisoners increased from 7526 to 12,865 between the prison

²⁶ Based on these data, comparing actual sentencing in 1990 with sentencing over the twelve ensuing years shows an increase totalling some 154,000 years' extra prison as a result of the courts raising the frequency and duration of prison sentences rather than staying with 1990 sentencing levels. These hypothetical figures are subject to major uncertainties, however. For example, our underlying method of calculation, under which class interval averages in sentencing statistics are assumed to be at the lower one-third point rather than the mid-point of each class, may underestimate the extent of the increase in sentencing. Conversely, it is conceivable that there has been a change in the average severity of offences – something that is ultimately only verifiable from case analysis. Lacking such specific information on offence severity, we will refrain from repeating for all crimes the hypothetical cost calculation presented for actual and grievous bodily harm.

²⁷ We intentionally used the data for one year later when comparing penal statistics. The average prison sentence of 1.1 to 1.5 years means there is a corresponding delay before any change in sentencing practices can affect the prison population figures.

²⁸ The reduction from 237,867 to 188,962 foreign subjects charged relates to former West Germany excluding the states of Hessen and Saarland, for which separate sentencing statistics for sentenced non-German offenders are not available.

censuses taken in March 1993 and March 2004 – an increase of 70.9 percent. Theoretically, this contrary trend could at least partly be explained by a sharp increase in the severity of crimes committed by foreigners, but no evidence for this is provided either by a long-term analysis of trial cases performed at KFN in the 1990s (Schott et al. 2004) or by a systematic investigation of sentencing practices based on individual data records from sentencing statistics (Pfeiffer et al. 2004). Instead, the two studies provide evidence for the assumption that non-German offenders are being handed down increasingly harsher sentences compared with their German counterparts. Other studies have produced similar findings (Ludwig-Mayerhofer and Niemann 1997; Delzer 2004). The evidence so far gives grounds to suspect that the courts are working on the false assumption that they need to take a hard line as a general deterrent in the face of a rising wave of foreigner-committed crime. Again, more in-depth research would be needed to investigate this hypothesis.

International trends and further research

The crime policy trend described in the foregoing section is in no way restricted to Germany. In some countries it is even more pronounced. For example, the prison population in England and Wales rose from 44,552 to 74,468 between 1993 and 2004 – an increase of 67.1 percent, and that after a 12-year period of relatively stable numbers (ICPS 2004; Council of Europe 2004; Home Office 2004). Very like the German situation, the primary reason is a marked increase in both the average duration and the frequency of prison sentences.²⁹ In the USA, the corresponding trend towards harsher sentences set in as early as the end of the 1970s, and prisoner numbers increased from 503,586 to 2,078,570 between 1980 and mid-2003, or no less than 412.8 percent (Glaze and Palla 2004).

Garland, too, in his analysis of crime policy and sentencing in the UK and the USA, considered crime reporting by the mass media and in particular on television as a factor that had significantly altered social perceptions of crime (2001: 156). For Garland, the emotive force of images of spectacular crimes abolishes the distance with which the middle classes used to view criminal developments. Nevertheless, in his analysis of the described changes in crime policy and sentencing practices, Garland judged the mass media to be a marginal phenomenon. He ascribed central importance to other factors, which we summarize below.

²⁹ See p. 6 onwards of the Home Office Annual Report (2004), which notes that the change in the trend coincided with the Bulger murder that shook the nation in 1993, following which a series of legislative initiatives led to a lasting increase in penalties.

- The radical change from a system based on 'penal welfarism' (Garland 2001: 35 ff.) to the other extreme of courts following strict sentencing guidelines (2001: 53 ff.).
- Processes of social change (individualization, the disintegration of the family due to rising divorce rates, growing workplace risks, the thinning of social networks and a decrease in informal social control), which have triggered increasing insecurity among many people and which fuel the desire for a strong state able to take a hard line on law and order (2001: 154 ff.).
- Growing identification with victims of crime and an increasing willingness to have the criminal justice system take into account their needs and wishes to see the offender punished (2001: 11, 142 ff., 180 ff.).
- A growing fear of crime among the middle classes, who are increasingly the victims of crime themselves and have consequently developed the wish for tougher sentencing (2001: 153).
- Society of growing social contrasts in which the state no longer responds to the needs of the social underclass with welfare schemes, but increasingly relies on prison as an instrument of discipline (2001: 82 ff., 178 ff.).

We do not wish to dispute that these factors may be of considerable importance to the described changes in crime policy in the USA. We think, however, that Garland has considerably underestimated the importance of mass media in the genesis and amplification of these trends. This applies especially to the tendency, also lamented by Garland, of crime policy to be shaped by television reports of spectacular individual crimes and the associated populist calls for a toughening of criminal law. The identification with victims of crime that Garland himself has rightly highlighted is largely due to emotive reporting of individual victims' fates. Garland also neglected the fact – substantiated among other things by American studies in media science – that reporting of spectacular crimes, especially on television, has continued to rise in intensity and frequency despite the falling crime rates since 1991 (Morris 1997). Marketing of the media commodity known as crime is primarily based on its entertainment value, not its frequency of occurrence in real life.

Developments in the UK and Germany also differ considerably from what Garland reports about the USA. Neither German nor English criminal law has undergone the same radical change from the one extreme of 'penal welfarism' to the other of rigid sentencing guidelines. The changes in both countries have been slower and more gradual. For this reason, a marked rise in prisoner numbers did not begin in Germany until 1991 and in Britain until as late as 1993. Garland neglected this in his analysis of UK crime policy just as he neglected the country's recent crime trends. Contrary to his proposition that a toughening of criminal law sanctions is to be expected when the middle classes are themselves exposed to increasing risk of crime, the new crime policies in England took hold at a time when the

middle classes were living in increasing safety. The number of crimes recorded by the British police fell continuously from 1992 until a new method of counting was introduced in 1998 and has remained broadly constant ever since. More significantly, however, the British Crime Survey – a representative victim survey conducted on a regular basis in the English and Welsh population – showed a continuous, marked decline over the last nine years up to 2003 in the risk of becoming the victim of a crime (a reduction of 39 percent; see Dodd et al. 2004). The victimization rate in England and Wales for 2003/2004 was thus at its lowest level since 1981. A similar trend is also to be observed in the USA since 1974 for crimes against property and since 1994 for violent crimes (Rennison and Rand 2002).³⁰

In Germany there are no such data on change over time in crimes as measured by victim surveys, including those that are and are not reported to the police. As the Police Crime Statistics we quoted earlier indicate, however, the German situation likewise does not support Garland's proposition that increased exposure to crime among the middle classes is a factor in calls for tougher sentencing and in the consequent tightening of the criminal law and sentencing practice. Instead, we have preliminary evidence that the great majority of people, under the influence of sensationalist reporting by the media, perceive an increase in crime that is simply not there in reality. We can demonstrate that this has significantly hardened their attitudes on criminal sentencing.

The analysis presented here, however, does not adequately show how media reporting of crime by the various television stations and other media has changed in detail. In view of the key importance of this question for crime policy, it would appear necessary to subject it to more in-depth analysis. In this regard, we see good prospects for the joint research being conducted with the MedienTenor research institute in Bonn, which has been collecting data on how the mass media report on selected topics since the mid-1990s. A continuation of the analysis presented here would also appear desirable because a number of further questions have yet to be adequately resolved. For example, it is not yet known to what extent the rise in punitive attitudes identified in Germany is due to other factors such as those named by Streng and Garland in their analyses. There is a further need for more in-depth research into the specific route by which popular calls for tougher sentencing in general are taken on board in crime policy

³⁰ According to Rennison and Rand, the victimization rate for violent crime fell by 54.6 in the USA from 1993 to 2002, and the victimization rate for crimes against property fell by 50.1 percent over the same period. Crimes against property have in fact declined by some 345 percent since 1975 (Rennison and Rand 2002).

and sentencing practice, and why the groups that seem to be most affected, such as violent criminals, sex offenders and foreign suspects, tend to be those who attract more media attention.

Finally, further attention should be given to one aspect that came out in the British example above but which is also evident in the USA: the fact that police statistics and representative surveys of victims both show violent crimes and crimes against property to be steeply declining since 1993 and 1995 respectively, at a time when prison populations were fast increasing. The question arises whether this trend is partly due to the criminal justice system in both countries putting significantly more people behind bars than were released from prison each year, and that over a period of some years. In the short term, a strategy of increasing imprisonment of this kind can indeed contribute to domestic security because for a time at least, a growing share of a country's high-risk population is temporarily prevented from committing any crimes. But what happens after some time has passed, when the very rapidly increasing cost of detention can no longer be met and the political opposition to this crime policy grows stronger? If the country then returns to moderate penal sanctioning, it faces a dilemma. For a period of many years, the number of releases will substantially exceed the number newly sentenced to gaol. This gives rise to considerable crime risks, since it is well-known that a stay in prison often detaches people from their prior social surroundings. This problem is already acknowledged in the USA, where a broad-based and very expensive reintegration programme has been embarked upon to counter it (Travis et al. 2001). It remains to be seen whether we in Europe can learn from the American experience or whether the policy of ever harsher sentencing will be allowed to continue unchecked.

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